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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,444	09/08/2003	Bevan D. Suits	17272-0024	4735
7590 William R. Silverio SUTHERLAND ASBILL & BRENNAN LLP 999 Peachtree Street, NE Atlanta, GA 30309-3996	07/12/2007		EXAMINER TRAN, TUYETLIEN T	
			ART UNIT 2179	PAPER NUMBER
			MAIL DATE 07/12/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/658,444	SUITS, BEVAN D.
	Examiner	Art Unit
	TuyetLien (Lien) T. Tran	2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 07 May 2007.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-20 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

## DETAILED ACTION

1. This action is responsive to the following communication: Amendment filed 05/04/07. **This action is made final.**
2. Claims 1-20 are pending in the case. Claims 1, 11 and 19 are independent claims. Claims 1, 11, 14, 19 and 20 are amended claims.

### *Claim Objections*

3. Applicant's amendment corrects the previous objection and therefore the objection is withdrawn.

### *Claim Rejections - 35 USC § 101*

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. **Claims 1-8, 10 and 19, 20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

As to claim 1, a "system" is being recited; however, it appears that the system would reasonably be interpreted by one of ordinary skill in the art as software, per se. A system with no physical and tangible computer component capable of producing a useful, concrete and tangible result when used in the computer system is computer software by itself. As such, it is believed that the system of claim 1 is reasonably interpreted as functional descriptive material, per se.

As to claim 19, a "computer program product" comprising computer-readable code is being recited; however, it appears that the computer program product would reasonably be interpreted by one of ordinary skill in the art as software, per se. This subject matter is not limited to that which

falls within a statutory category of invention because it is not limited to a process, a machine, manufacture, or a composition of matter.

Claims 2-8 and 10, 20 fail to resolve the deficiencies of claim 1 and therefore are being rejected.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1, 2, 4-8, 10-13, 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sign Builder 2.0 (printed web pages from St. Claire Inc web site, pages 1-10; hereinafter Sign Builder) in view of OHS web page (printed web pages from University of Delaware web site, pages 1-5; hereinafter OHS) further in view of Davenport et al (Pub No US 2004/0103431 A1; hereinafter Davenport).**

***As to claim 1***, Sign Builder teaches:

A signage producing system (e.g., see pages 1 and 3), comprising:  
at least one graphic selection interface, wherein the at least one graphic selection interface is operable to permit a user to select at least one sign graphic and to permit the user to enter any text message including a portion of a building to be associated with the selected at least one sign graphic (e.g., see page 3; note that the text box where it says "YOUR MESSAGE HERE" allows a

user to enter any message that is going to appear on the sign having the selected at least one sign graphic);

at least one database, wherein the at least one database is operable to store the at least one sign graphic and the input text message (e.g., a program or file where sign layout, sign header and pictogram option are stored, see pages 3 and 5-6); and

a signage application, wherein the signage application is operable to generate a sign by receiving the user selection of the at least one sign graphic and the input text message including the portion of a building (e.g., a sign generator program is executed using the information received from the user selection of the at least one sign graphic and the input sign message when the user select 'Build' button, see pages 3 and 9-10).

Sign Builder does not expressly teach that the selection interface permit the user to identify a portion of a building to be associated with the selected at least one sign graphic and that the database stores the identified portion of a building. OHS, though, teaches a system comprises a signage request form that permit the user to select at least one sign graphic and also to permit the user to identify the building name and lab number to be associated with the selected at least one sign graphic (e.g., see page 2) wherein the system further comprises database the store the at least one sign graphic and the identified portion of a building and to track the signage for multiple buildings (e.g., see list of existing Hazard Warnings and list of Buildings that have had the sign already installed, see pages, 1, 3, 4). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have included the feature that allows a user to identify a portion of a building as taught by OHS to the signage producing system as taught by Sign Builder to provide the ability for a user to associate the portion of a building to the selected graphic because Sign Builder suggests to the skilled artisan that customs signs and visual aids can address any manufacturing and safety concerns and are produced to customers specifications to

accommodate even the most unique situations (e.g., see Sign Builder page 1). The motivation to combine the two teachings is to assure that the created signage posts adequate information in case of emergency and to assure that the location of the signage is uniform across the facility (e.g., see OHS page 1).

Sign Builder and OHS still do not expressly teach tracking signage for multiple portions of a building. Davenport teaches a graphical user interface that allows a user to select or search for plurality of portions of a building to view related information such as identification of hazards at the selected room and for displaying electronic signs regarding hazard information regarding the selected room of a facility (e.g., see Figs. 5, 6 and [0015], [0045], [0049]). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have implemented the feature of tracking signage for multiple portions of a building as taught by Davenport to the signage producing system as taught by Sign Builder and OHS to create a signage producing and management system that allows a user to track signage for multiple portions of a building. The motivation to combine the teachings together is to be able to presenting the information in a manner and form that is easy to access and use so that emergency responder can review critical facility information and coordinate tactical actions during an emergency (e.g., see Davenport [0047]).

***As to claim 11,*** Sign Builder teaches:

receiving a user selection of at least one sign graphic and entering any text message including apportion of a building to be associated with the selected at least one sign graphic (e.g., see page 3; note that the text box where it says "YOUR MESSAGE HERE" allows a user to enter any message that is going to appear on the sign having the selected at least one sign graphic);

retrieving at least one sign template, wherein the at least one sign template dictates the design of a sign (e.g., sign layout and color as shown in page 3); and

generating a sign by populating the at least one sign template with the at least one graphic selection (e.g., selecting “Build” button in page 3 causes sign generator to be executed, see page 9-10).

Sign Builder does not expressly teach that receiving a user selection of a portion of a building to be associated with the selected at least one sign graphic. OHS, though, teaches a system comprises a signage request form that permit the user to select at least one sign graphic and also to permit the user to identify the building name and lab number to be associated with the selected at least one sign graphic and updating the list of buildings that have had the sign already installed (e.g., see pages 1-4). Thus, combining Sign Builder and OHS would meet the claimed limitations for the same reasons as discussed with respect to claim 1 above.

Sign Builder and OHS still do not expressly teach updating a summary of signs created for multiple portions of a building. OHS further teaches that updating the list of buildings that have had the sign already installed and updating the list of existing hazard warnings signs (e.g., see list of existing Hazard Warnings and list of Buildings that have had the sign already installed, see pages 1, 3, 4).

Davenport teaches a graphical user interface that allows a user to select or search for plurality of portions of a building to view related information such as identification of hazards at the selected room and for displaying electronic signs regarding hazard information regarding the selected room of a facility (e.g., see Figs. 5, 6 and [0015], [0045], [0049]; of course, those skill in the art would realize that the summary of signs needs to be updated when a new signage is created so that the most up-to-date information will be presented to the user when needed). Thus, combining Sign Builder, OHS and Davenport would meet the claimed limitations for the same reasons as discussed with respect to claim 1 above.

**As claim 19,** claim 19 reflects a computer program product (e.g., see Sign Builder pages 1 and 3) comprising computer-readable code for performing the steps as claimed in claim 11, and is rejected along the same rationale.

**As to claims 2 and 16,** Sign Builder further teaches wherein the at least one graphic selection interface is further operable to display multiple sign graphics (e.g., see pages 3-6).

**As to claim 4,** Sign Builder further teaches at least one sign interface, wherein said sign interface is operable to display a plurality of signs generated by the user (e.g., see pages 7-10).

**As to claim 5,** Sign Builder further teaches wherein the at least one sign interface is operable to receive a selection from a user, said selection modifying the sign generated by the signage application (e.g., see page 3).

**As to claim 6,** Sign Builder further teaches wherein the at least one sign interface comprises at least one selection box, wherein said at least one selection box indicates whether the at least one sign graphic is included on the sign (e.g., see page 3).

**As to claim 7,** Sign Builder further teaches comprising a user, wherein the user is in communication with the at least one graphic selection interface via a network (e.g., a user using Internet browser to access a web site where the program for Sign Builder is provided, see pages 1 and 2).

**As to claims 8 and 17,** Sign Builder further teaches comprising a sign preview interface, wherein said sign preview interface is operable to display said sign generated by said signage application (e.g., see pages 7-10).

**As to claim 10,** Davenport further teaches an interface for displaying an electronic label for a room that associates a contact information to a sign for a specific room (e.g., see Davenport Fig. 5-6 and [0081]). Thus, combining Sign Builder, OHS and Davenport would meet the claimed limitations for the same reasons as discussed with respect to claim 1 above.

**As to claim 12,** OHS further teaches the step of associating at least one person with the sign (e.g., see OHS page 2).

**As to claim 13,** Sign Builder further teaches the step retrieving the at least one sign graphic from a database (e.g., see pages 3-8).

**As to claim 15,** Sign Builder further teaches the step of altering said sign by altering said sign template (e.g., see page 3).

**As to claim 18,** Sign Builder further teaches the step of printing the generated sign (e.g., see page 10).

**As to claim 20,** Sign Builder further comprising computer readable code means for providing a user interface, said user interface permitting a user to identify the at least one sign graphic (e.g., see pages 3-8).

**8. Claims 3, 9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sign Builder 2.0 (printed web pages from St. Claire Inc web site, pages 1-10; hereinafter Sign Builder) in view of OHS web page (printed web pages from University of Delaware web site, pages 1-5; hereinafter OHS) further in view of Davenport et al (Pub No US 2004/0103431 A1; hereinafter Davenport) and further in view of von Rosen et al (Patent No US 6493677 B1; hereinafter von Rosen).**

**As to claims 3 and 14,** Sign Builder, OHS and Davenport teach the limitations of claims 1 and 11 for the same reasons as discussed above. However, Sign Builder, OHS and Davenport fail to expressly teach receiving at least one sign graphics from the user.

In the same field of endeavor of generating a sign or label (e.g., see von Rosen Fig 2 and Fig. 6), von Rosen teaches at least one graphic selection interface is further operable to receive at least one sign graphic from the user (e.g., see Fig. 8A).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the interface of allowing a user to upload his/her own photo or artwork for a customized labels or signs as taught by von Rosen to the system of producing a sign as taught by Sign Builder; the motivation is to allows a user to easily and conveniently create a label or sign personalized to their own tastes (e.g., see von Rosen col. 1 lines 50-60).

**As to claim 9,** Sign Builder further teaches allowing a generated sign to be printed (e.g., see page 10); however, Sign Builder does not expressly mention a printer. Von Rosen teaches comprising a printer for printing said sign (e.g., see Fig. 2 item 46). Thus, combining Sign Builder and von Rosen would meet the claimed limitations for the same reason as discussed with claims 3 above.

#### ***Response to Arguments***

9. Applicant's arguments filed 5/07/07 with respect to claims 1-20 have been fully considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments that the system recited in claims 1-8, 10 is not "functional descriptive material" since the claimed invention can be embodied in the system configuration described in at

least in Figure 1 and Paragraphs [0010], [0030] –[0038] of the application's specification (e.g., see Applicant's remark page 6, Para 4).

Examiner respectfully disagrees and submits that the system recited in claim 1 includes no physical and tangible computer component capable of producing a useful, concrete and tangible result when used in the computer system is computer software by itself. In addition, it is noted that the features upon which applicant relies (i.e., client device 104, processing unit 124, and memory 118) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). As such, it believed that the system of claim 1 is reasonably interpreted as functional descriptive material, per se.

Applicant's arguments that the computer program product recited in claims 19 is not "functional descriptive material" since the Applicant's specification discloses there is recorded material on a computer-readable medium, such as "application programs stored within the memory 118", there is a sufficient structural and functional interrelationship between application program and memory (e.g., see Applicant's remark page 6, Para 5).

Examiner respectfully disagrees and submits that the computer program product is being recited as comprising computer-readable code for executing the steps.... It appears that the computer program product would reasonably be interpreted by one of ordinary skill in the art as software, per se since the product comprise only computer-readable code for implement certain steps that are programmed to execute. In addition, it is noted that the features upon which applicant relies (i.e., application programs stored within the memory 118) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26

USPQ2d 1057 (Fed. Cir. 1993). As such, it believed that the system of claim 1 is reasonably interpreted as functional descriptive material, per se.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275,277 (CCPA 1968)).***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TuyetLien (Lien) T. Tran whose telephone number is 571-270-1033. The examiner can normally be reached on Mon-Friday: 7:30 - 5:00 (every other Friday off).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

T.T  
7/05/2007

Lien Tran  
Examiner  
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**SUPERVISORY PATENT EXAMINER**